

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FRANK GARCIA,

Plaintiff,

v.

OSWALD BILOTTA,

Defendant.

Case No.: 1:23-CV-4146

**DECLARATION OF JAMES E. CECCHI IN SUPPORT OF
DEFENDANT’S MOTION TO DISMISS THE COMPLAINT**

I, James E. Cecchi, hereby declare as follows:

1. I am a partner in the law firm of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C., counsel for Defendant Oswald Bilotta in the above-captioned action. I am a member in good standing of the bars of the States of New Jersey and New York and I am admitted to practice before this Court. I have personal knowledge of the matters set forth herein and, if called to testify about them, I would competently do so.

2. Attached as Exhibit A is a true and correct copy of the Decision + Order on Motion granting the Defendants’ motion to dismiss the complaint with prejudice in the action captioned *Garcia, et al. v. Eric Young, Esq., et al.* (“*Garcia I*”), No. 652089/2021, entered on September 23, 2021 in the Supreme Court of the State of New York for New York County.

3. Attached as Exhibit B is a true and correct copy of the transcript of the oral argument on held on September 23, 2021 before the Honorable Joel M. Cohen of the Supreme Court of the State of New York in connection with the Defendants’ motion to dismiss the complaint in *Garcia I*.

4. Attached as Exhibit C is a true and correct copy of the complaint filed in *Garcia I*

on March 26, 2021.

5. Attached as Exhibit D is a true and correct copy of the Notice of Motion providing notice of the Defendants' motion to dismiss the complaint in *Garcia I*, filed on May 13, 2021.

6. Attached as Exhibit E is a true and correct copy of Plaintiffs' Brief in Opposition to Defendants' Motion to Dismiss First Amended Complaint filed on June 23, 2021.

I declare that the foregoing is true and correct under penalty of perjury pursuant to the laws of the United States and the State of New York.

Executed this 1st day of August, 2023 at Roseland, New Jersey.

By: /s/ James E. Cecchi
JAMES E. CECCHI

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